

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kathleen Ruiz,

Plaintiff,

v.

Commissioner of Social Security
Administration,

Defendant.

No. CV-24-03152-PHX-JJT (ESW)

**REPORT AND
RECOMMENDATION**

TO THE HONORABLE JOHN J. TUCHI, UNITED STATES DISTRICT JUDGE:

The Court has considered the Stipulated Motion for Remand (Doc. 13). For good cause shown, the Magistrate Judge will recommend that the case be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. Sect. 405(g). The Magistrate Judge will further recommend that the Clerk of Court be directed to enter final judgment in favor of the Plaintiff and against the Defendant, reversing the final decision of the Commissioner of Social Security. Based upon the stipulation of the parties,

IT IS RECOMMENDED that the above-captioned case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Commissioner shall further develop the record as necessary, offer Plaintiff the opportunity for a hearing, and issue a new decision.

IT IS FURTHER RECOMMENDED that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

1 This recommendation is not an order that is immediately appealable to the Ninth
2 Circuit Court of Appeals. Any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should
3 not be filed until entry of the District Court's judgment. The parties shall have fourteen
4 days from the date of service of a copy of this recommendation within which to file specific
5 written objections with the Court. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72.
6 Thereafter, the parties have fourteen days within which to file a response to the objections.
7 Failure to file timely objections to the Magistrate Judge's Report and Recommendation
8 may result in the acceptance of the Report and Recommendation by the District Court
9 without further review. Failure to file timely objections to any factual determinations of
10 the Magistrate Judge may be considered a waiver of a party's right to appellate review of
11 the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's
12 recommendation. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003);
13 *Robbins v. Carey*, 481 F.3d 1143, 1146-47 (9th Cir. 2007).

14 Dated this 8th day of January, 2025.

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18 Honorable Eileen S. Willett
19 United States Magistrate Judge
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